



1638

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	<b>10/016,358</b>	
	<b>Filing Date</b>	<b>October 30, 2001</b>	
	<b>First Named Inventor</b>	<b>Richard A. DIXON</b>	
	<b>Group Art Unit</b>	<b>1638</b>	
	<b>Examiner Name</b>	<b>M. A. Ibrahim</b>	
<b>Total Number of Pages in This Submission</b>	<b>7+2 refs</b>	<b>Attorney Docket Number</b>	<b>532792001001</b>

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> <b>Fee Transmittal - 1 pg in DUPL</b>  <input type="checkbox"/> <b>Fee Attached</b>  <input type="checkbox"/> <b>Amendment/Reply</b>  <input type="checkbox"/> <b>After Final</b>  <input type="checkbox"/> <b>Affidavits/declaration(s)</b>  <input type="checkbox"/> <b>Extension of Time Request</b>  <input type="checkbox"/> <b>Express Abandonment Request</b>  <input checked="" type="checkbox"/> <b>Information Discl. Stmt. - 3 pgs</b> <b>PTO-1449 - 1 pg</b> <b>w/2 refs attached</b>  <input type="checkbox"/> <b>Certified Copy of Priority Document(s)</b>  <input type="checkbox"/> <b>Response to Missing Parts/ Incomplete Application</b>  <input type="checkbox"/> <b>Response to Missing Parts under 37 CFR 1.52 or 1.53</b>	<input type="checkbox"/> <b>Assignment Papers (for an Application)</b>  <input type="checkbox"/> <b>Drawing(s)</b>  <input type="checkbox"/> <b>Licensing-related Papers</b>  <input type="checkbox"/> <b>Petition</b>  <input type="checkbox"/> <b>Petition to Convert to a Provisional Application</b>  <input type="checkbox"/> <b>Revocation Power of Attorney -</b>  <input type="checkbox"/> <b>Terminal Disclaimer</b>  <input type="checkbox"/> <b>Request for Refund</b>  <input type="checkbox"/> <b>CD, Number of CD(s) _____</b>	<input type="checkbox"/> <b>After Allowance Communication to Group</b>  <input type="checkbox"/> <b>Appeal Communication to Board of Appeals and Interferences</b>  <input type="checkbox"/> <b>Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)</b>  <input type="checkbox"/> <b>Proprietary Information</b>  <input type="checkbox"/> <b>Status Letter</b>  <input checked="" type="checkbox"/> <b>Other Enclosure(s) (please identify below)</b>  <b>Return Receipt Postcard</b>
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual Name</b>	<b>MORRISON &amp; FOERSTER</b> <b>Michael R. Ward</b> <b>Reg. No. 38,651</b>	<b>CUSTOMER NUMBER: 20872</b>
<b>Signature</b>		
<b>Date</b>	<b>October 8, 2004</b>	

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP: Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450 on**Date: **October 8, 2004.**  
**LILIA OLSEN**

SF-1794070



**PATENT**  
**Docket No. 532792001001**

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP: AMENDMENT**, Commissioner for Patents, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on October 6, 2004.

  
DILLA OLSEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Richard A. DIXON et al.

Serial No.: 10/016,358

Filing Date: October 30, 2001

For: CONSTITUTIVE DISEASE  
RESISTANCE GENE (CDR1) AND  
METHODS OF USE THEREOF

Examiner: M. Ibrahim

Group Art Unit: 1638

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

**MAIL STOP: AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

10/13/2004 HVUDNG1 00000024 031952 10016358

01 FC:1806 180.00 DA

This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ **After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☒ **A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.**
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling;  
or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 532792001001. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 8, 2004.

Respectfully submitted,

By:



Michael R. Ward  
Registration No. 38,651

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Form PTO-1449				Docket Number 53279200101		Application Number 10/016,358	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>				Applicant <b>Richard A. DIXON et al.</b>			
				Filing Date October 30, 2001		Group Art Unit 1638	
				Mailing Date October 8, 2004			
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
<b>OTHER DOCUMENTS</b> <small>(including author, title, Date, Pertinent Pages, Etc.)</small>							
Examiner Initials	Ref. No.	Title					
	1.	<b>Bowling, A. Scott, et al. (1994) "A Mutation in Arabidopsis That Leads to Constitutive Expression of Systemic Acquired Resistance" <i>The Plant Cell</i> 6: 1845-1857.</b>					
	2.	<b>Shirasu, Ken, et al. (1997) "Salicylic Acid Potentiates an Agonist-Dependent Gain Control That Amplifies Pathogen Signals in the Activation of Defense Mechanisms" <i>The Plant Cell</i> 9: 261-270.</b>					
EXAMINER:				DATE CONSIDERED:			
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.							



# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) **180.00**

## Complete if Known

Application Number **10/016,358**  
Filing Date **October 30, 2001**  
First Named Inventor **Richard A. DIXON**  
Examiner Name **M. Ibrahim**  
Art Unit **1638**  
Attorney Docket No. **532792001001**

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ Other ☐ None

☒ Deposit Account:

Deposit Account Number

**03-1952**

Deposit Account Name

**MORRISON & FOERSTER LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
30	- ** =		
Independent Claims	8	- ** =	
Multiple Dependent			-0-

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **-0-**

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **180.00**

### SUBMITTED BY

Name (Print/Type) **MICHAEL R. WARD** Registration No. (Attorney/Agent) **38,651** Telephone **415/268-6237**  
Signature *Michael R. Ward* Date **OCTOBER , 2004**